

SECOND REGULAR SESSION

SENATE BILL NO. 1220

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 27, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5170S.011

AN ACT

To repeal sections 32.057, 105.485, 135.030, 135.305, 135.348, 135.800, and 260.285, RSMo, and to enact in lieu thereof five new sections relating to certain state tax credit programs, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.057, 105.485, 135.030, 135.305, 135.348, 135.800, and 260.285, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 32.057, 105.485, 135.030, 135.305, and 135.800, to read as follows:

32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 2. Nothing in this section shall be construed to prohibit:

18 (1) The disclosure of information, returns, reports, or facts shown thereby,
19 as described in subsection 1 of this section, by any officer, clerk or other employee
20 of the department of revenue charged with the custody of such information:

21 (a) To a taxpayer or the taxpayer's duly authorized representative under
22 regulations which the director of revenue may prescribe;

23 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce
24 the revenue laws of this state;

25 (c) To the state auditor or the auditor's duly authorized employees as
26 required by subsection 4 of this section;

27 (d) To any city officer designated by ordinance of a city within this state
28 to collect a city earnings tax, upon written request of such officer, which request
29 states that the request is made for the purpose of determining or enforcing
30 compliance with such city earnings tax ordinance and provided that such
31 information disclosed shall be limited to that sufficient to identify the taxpayer,
32 and further provided that in no event shall any information be disclosed that will
33 result in the department of revenue being denied such information by the United
34 States or any other state. The city officer requesting the identity of taxpayers
35 filing state returns but not paying city earnings tax shall furnish to the director
36 of revenue a list of taxpayers paying such earnings tax, and the director shall
37 compare the list submitted with the director's records and return to such city
38 official the name and address of any taxpayer who is a resident of such city who
39 has filed a state tax return but who does not appear on the list furnished by such
40 city. The director of revenue may set a fee to reimburse the department for the
41 costs reasonably incurred in providing this information;

42 (e) To any employee of any county or other political subdivision imposing
43 a sales tax which is administered by the state department of revenue whose office
44 is authorized by the governing body of the county or other political subdivision
45 to receive any and all records of the state director of revenue pertaining to the
46 administration, collection and enforcement of its sales tax. The request for sales
47 tax records and reports shall include a description of the type of report requested,
48 the media form including electronic transfer, computer tape or disk, or printed
49 form, and the frequency desired. The request shall be made by annual written
50 application and shall be filed with the director of revenue. The director of
51 revenue may set a fee to reimburse the department for the costs reasonably
52 incurred in providing this information. Such city or county or any employee

53 thereof shall be subject to the same standards for confidentiality as required for
54 the department of revenue in using the information contained in the reports;

55 (f) To the director of the department of economic development or the
56 director's duly authorized employees in discharging the director's official duties
57 to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

58 (g) To any employee of any political subdivision, such records of the
59 director of revenue pertaining to the administration, collection and enforcement
60 of the tax imposed in chapter 149, RSMo, as are necessary for ensuring
61 compliance with any cigarette or tobacco tax imposed by such political
62 subdivision. The request for such records shall be made in writing to the director
63 of revenue, and shall include a description of the type of information requested
64 and the desired frequency. The director of revenue may charge a fee to reimburse
65 the department for costs reasonably incurred in providing such information;

66 (2) The publication by the director of revenue or of the state auditor in the
67 audit reports relating to the department of revenue of:

68 (a) Statistics, statements or explanations so classified as to prevent the
69 identification of any taxpayer or of any particular reports or returns and the
70 items thereof;

71 (b) The names and addresses without any additional information of
72 persons who filed returns and of persons whose tax refund checks have been
73 returned undelivered by the United States Post Office;

74 (3) The director of revenue from permitting the Secretary of the Treasury
75 of the United States or the Secretary's delegates, the proper officer of any state
76 of the United States imposing a tax equivalent to any of the taxes administered
77 by the department of revenue of the state of Missouri or the appropriate
78 representative of the multistate tax commission to inspect any return or report
79 required by the respective tax provision of this state, or may furnish to such
80 officer an abstract of the return or report or supply the officer with information
81 contained in the return or disclosed by the report of any authorized
82 investigation. Such permission, however, shall be granted on condition that the
83 corresponding revenue statute of the United States or of such other state, as the
84 case may be, grants substantially similar privileges to the director of revenue and
85 on further condition that such corresponding statute gives confidential status to
86 the material with which it is concerned;

87 (4) The disclosure of information, returns, reports, or facts shown thereby,
88 by any person on behalf of the director of revenue, in any action or proceeding to

89 which the director is a party or on behalf of any party to any action or proceeding
90 pursuant to the revenue laws of this state when such information is directly
91 involved in the action or proceeding, in either of which events the court may
92 require the production of, and may admit in evidence, so much of such
93 information as is pertinent to the action or proceeding and no more;

94 (5) The disclosure of information, returns, reports, or facts shown thereby,
95 by any person to a state or federal prosecuting official, including, but not limited
96 to, the state and federal attorneys general, or the official's designees involved in
97 any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant
98 to the laws of this state or of the United States when such information is
99 pertinent to an investigation, action or proceeding involving the administration
100 of the revenue laws or duties of public office or employment connected therewith;

101 (6) Any school district from obtaining the aggregate amount of the
102 financial institution tax paid pursuant to chapter 148, RSMo, by financial
103 institutions located partially or exclusively within the school district's boundaries,
104 provided that the school district request such disclosure in writing to the
105 department of revenue;

106 (7) The disclosure of records which identify all companies licensed by this
107 state pursuant to the provisions of subsections 1 and 2 of section 149.035,
108 RSMo. The director of revenue may charge a fee to reimburse the department for
109 the costs reasonably incurred in providing such records;

110 (8) The disclosure to the commissioner of administration pursuant to
111 section 34.040, RSMo, of a list of vendors and their affiliates who meet the
112 conditions of section 144.635, RSMo, but refuse to collect the use tax levied
113 pursuant to chapter 144, RSMo, on their sales delivered to this state;

114 **(9) The disclosure to the public of any information, returns,**
115 **reports, or facts shown thereby regarding the claiming of a state tax**
116 **credit by a member of the Missouri general assembly.**

117 3. Any person violating any provision of subsection 1 or 2 of this section
118 shall, upon conviction, be guilty of a class D felony.

119 4. The state auditor or the auditor's duly authorized employees who have
120 taken the oath of confidentiality required by section 29.070, RSMo, shall have the
121 right to inspect any report or return filed with the department of revenue if such
122 inspection is related to and for the purpose of auditing the department of
123 revenue; except that, the state auditor or the auditor's duly authorized employees
124 shall have no greater right of access to, use and publication of information, audit

125 and related activities with respect to income tax information obtained by the
126 department of revenue pursuant to chapter 143, RSMo, or federal statute than
127 specifically exists pursuant to the laws of the United States and of the income tax
128 laws of the state of Missouri.

105.485. 1. Each financial interest statement required by sections
2 105.483 to 105.492 shall be on a form prescribed by the commission and shall be
3 signed and verified by a written declaration that it is made under penalties of
4 perjury; provided, however, the form shall not seek information which is not
5 specifically required by sections 105.483 to 105.492.

6 2. Each person required to file a financial interest statement pursuant to
7 subdivisions (1) to (12) of section 105.483 shall file the following information for
8 himself, his spouse and dependent children at any time during the period covered
9 by the statement, whether singularly or collectively; provided, however, that said
10 person, if he does not know and his spouse will not divulge any information
11 required to be reported by this section concerning the financial interest of his
12 spouse, shall state on his financial interest statement that he has disclosed that
13 information known to him and that his spouse has refused or failed to provide
14 other information upon his bona fide request, and such statement shall be
15 deemed to satisfy the requirements of this section for such financial interest of
16 his spouse; and provided further if the spouse of any person required to file a
17 financial interest statement is also required by section 105.483 to file a financial
18 interest statement, the financial interest statement filed by each need not disclose
19 the financial interest of the other, provided that each financial interest statement
20 shall state that the spouse of the person has filed a separate financial interest
21 statement and the name under which the statement was filed:

22 (1) The name and address of each of the employers of such person from
23 whom income of one thousand dollars or more was received during the year
24 covered by the statement;

25 (2) The name and address of each sole proprietorship which he owned; the
26 name, address and the general nature of the business conducted of each general
27 partnership and joint venture in which he was a partner or participant; the name
28 and address of each partner or coparticipant for each partnership or joint venture
29 unless such names and addresses are filed by the partnership or joint venture
30 with the secretary of state; the name, address and general nature of the business
31 conducted of any closely held corporation or limited partnership in which the
32 person owned ten percent or more of any class of the outstanding stock or limited

33 partners' units; and the name of any publicly traded corporation or limited
34 partnership which is listed on a regulated stock exchange or automated quotation
35 system in which the person owned two percent or more of any class of outstanding
36 stock, limited partnership units or other equity interests;

37 (3) The name and address of any other source not reported pursuant to
38 subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which
39 such person received one thousand dollars or more of income during the year
40 covered by the statement, including, but not limited to, any income otherwise
41 required to be reported on any tax return such person is required by law to file;
42 except that only the name of any publicly traded corporation or limited
43 partnership which is listed on a regulated stock exchange or automated quotation
44 system need be reported pursuant to this subdivision;

45 (4) The location by county, the subclassification for property tax
46 assessment purposes, the approximate size and a description of the major
47 improvements and use for each parcel of real property in the state, other than the
48 individual's personal residence, having a fair market value of ten thousand
49 dollars or more in which such person held a vested interest including a leasehold
50 for a term of ten years or longer, and, if the property was transferred during the
51 year covered by the statement, the name and address of the persons furnishing
52 or receiving consideration for such transfer;

53 (5) The name and address of each entity in which such person owned
54 stock, bonds or other equity interest with a value in excess of ten thousand
55 dollars; except that, if the entity is a corporation listed on a regulated stock
56 exchange, only the name of the corporation need be listed; and provided that any
57 member of any board or commission of the state or any political subdivision who
58 does not receive any compensation for his services to the state or political
59 subdivision other than reimbursement for his actual expenses or a per diem
60 allowance as prescribed by law for each day of such service need not report
61 interests in publicly traded corporations or limited partnerships which are listed
62 on a regulated stock exchange or automated quotation system pursuant to this
63 subdivision; and provided further that the provisions of this subdivision shall not
64 require reporting of any interest in any qualified plan or annuity pursuant to the
65 Employees' Retirement Income Security Act;

66 (6) The name and address of each corporation for which such person
67 served in the capacity of a director, officer or receiver;

68 (7) The name and address of each not-for-profit corporation and each

69 association, organization, or union, whether incorporated or not, except
70 not-for-profit corporations formed to provide church services, fraternal
71 organizations or service clubs from which the officer or employee draws no
72 remuneration, in which such person was an officer, director, employee or trustee
73 at any time during the year covered by the statement, and for each such
74 organization, a general description of the nature and purpose of the organization;

75 (8) The name and address of each source from which such person received
76 a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in
77 value per source during the year covered by the statement other than gifts from
78 persons within the third degree of consanguinity or affinity of the person filing
79 the financial interest statement. For the purposes of this section, a "gift" shall
80 not be construed to mean political contributions otherwise required to be reported
81 by law or hospitality such as food, beverages or admissions to social, art, or
82 sporting events or the like, or informational material. For the purposes of this
83 section, a "gift" shall include gifts to or by creditors of the individual for the
84 purpose of canceling, reducing or otherwise forgiving the indebtedness of the
85 individual to that creditor;

86 (9) The lodging and travel expenses provided by any third person for
87 expenses incurred outside the state of Missouri whether by gift or in relation to
88 the duties of office of such official, except that such statement shall not include
89 travel or lodging expenses:

90 (a) Paid in the ordinary course of business for businesses described in
91 subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties
92 of office of such official; or

93 (b) For which the official may be reimbursed as provided by law; or

94 (c) Paid by persons related by the third degree of consanguinity or affinity
95 to the person filing the statement; or

96 (d) Expenses which are reported by the campaign committee or candidate
97 committee of the person filing the statement pursuant to the provisions of chapter
98 130, RSMo; or

99 (e) Paid for purely personal purposes which are not related to the person's
100 official duties by a third person who is not a lobbyist, a lobbyist principal or
101 member, or officer or director of a member, of any association or entity which
102 employs a lobbyist. The statement shall include the name and address of such
103 person who paid the expenses, the date such expenses were incurred, the amount
104 incurred, the location of the travel and lodging, and the nature of the services

105 rendered or reason for the expenses;

106 (10) The assets in any revocable trust of which the individual is the
107 settlor if such assets would otherwise be required to be reported under this
108 section;

109 (11) The name, position and relationship of any relative within the first
110 degree of consanguinity or affinity to any other person who:

111 (a) Is employed by the state of Missouri, by a political subdivision of the
112 state or special district, as defined in section 115.013, RSMo, of the state of
113 Missouri;

114 (b) Is a lobbyist; or

115 (c) Is a fee agent of the department of revenue;

116 (12) The name and address of each campaign committee, political
117 committee, candidate committee, or continuing committee for which such person
118 or any corporation listed on such person's financial interest statement received
119 payment; **and**

120 **(13) For members of the general assembly, their spouses, and**
121 **their dependent children, whether any state tax credits were claimed**
122 **on the member's, spouse's, or dependent child's most recent state**
123 **income tax return.**

124 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this
125 section, an individual shall be deemed to have received a salary from his
126 employer or income from any source at the time when he shall receive a
127 negotiable instrument whether or not payable at a later date and at the time
128 when under the practice of his employer or the terms of an agreement, he has
129 earned or is entitled to anything of actual value whether or not delivery of the
130 value is deferred or right to it has vested. The term "income" as used in this
131 section shall have the same meaning as provided in the Internal Revenue Code
132 of 1986, and amendments thereto, as the same may be or becomes effective, at
133 any time or from time to time for the taxable year, provided that income shall not
134 be considered received or earned for purposes of this section from a partnership
135 or sole proprietorship until such income is converted from business to personal
136 use.

137 4. Each official, officer or employee or candidate of any political
138 subdivision described in subdivision (11) of section 105.483 shall be required to
139 file a financial interest statement as required by subsection 2 of this section,
140 unless the political subdivision biennially adopts an ordinance, order or

141 resolution at an open meeting by September fifteenth of the preceding year, which
142 establishes and makes public its own method of disclosing potential conflicts of
143 interest and substantial interests and therefore excludes the political subdivision
144 or district and its officers and employees from the requirements of subsection 2
145 of this section. A certified copy of the ordinance, order or resolution shall be sent
146 to the commission within ten days of its adoption. The commission shall assist
147 any political subdivision in developing forms to complete the requirements of this
148 subsection. The ordinance, order or resolution shall contain, at a minimum, the
149 following requirements with respect to disclosure of substantial interests:

150 (1) Disclosure in writing of the following described transactions, if any
151 such transactions were engaged in during the calendar year:

152 (a) For such person, and all persons within the first degree of
153 consanguinity or affinity of such person, the date and the identities of the parties
154 to each transaction with a total value in excess of five hundred dollars, if any,
155 that such person had with the political subdivision, other than compensation
156 received as an employee or payment of any tax, fee or penalty due to the political
157 subdivision, and other than transfers for no consideration to the political
158 subdivision;

159 (b) The date and the identities of the parties to each transaction known
160 to the person with a total value in excess of five hundred dollars, if any, that any
161 business entity in which such person had a substantial interest, had with the
162 political subdivision, other than payment of any tax, fee or penalty due to the
163 political subdivision or transactions involving payment for providing utility
164 service to the political subdivision, and other than transfers for no consideration
165 to the political subdivision;

166 (2) The chief administrative officer and chief purchasing officer of such
167 political subdivision shall disclose in writing the information described in
168 subdivisions (1), (2) and (6) of subsection 2 of this section;

169 (3) Disclosure of such other financial interests applicable to officials,
170 officers and employees of the political subdivision, as may be required by the
171 ordinance or resolution;

172 (4) Duplicate disclosure reports made pursuant to this subsection shall be
173 filed with the commission and the governing body of the political
174 subdivision. The clerk of such governing body shall maintain such disclosure
175 reports available for public inspection and copying during normal business hours.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after
 3 December 31, 1997, but before calendar year 2008, be the sum of twenty-five
 4 thousand dollars. For [the] **all** calendar [year] **years** beginning on **or after**
 5 January 1, 2008, the maximum upper limit shall be the sum of twenty-seven
 6 thousand five hundred dollars;

7 (2) The term "minimum base" shall, for each calendar year after December
 8 31, 1997, but before calendar year 2008, be the sum of thirteen thousand
 9 dollars. For [the] **all** calendar [year] **years** beginning **on or after** January 1,
 10 2008, the minimum base shall be the sum of fourteen thousand three hundred
 11 dollars.

12 2. If the income on a return is equal to or less than the maximum upper
 13 limit for the calendar year for which the return is filed, the property tax credit
 14 shall be determined from a table of credits based upon the amount by which the
 15 total property tax described in section 135.025 exceeds the percent of income in
 16 the following list:

17 If the income on the return is:	The percent is:
18 Not over the minimum base	0 percent with credit
19	not to exceed actual
20	property tax or rent
21	equivalent paid up to
22	[\$750] \$1,000
23 Over the minimum base but	1/16 percent
24 not over the maximum upper	accumulative per \$300
25 limit	from 0 percent to 4 percent.

26 The director of revenue shall prescribe a table based upon the preceding
 27 sentences. The property tax shall be in increments of twenty-five dollars and the
 28 income in increments of three hundred dollars. The credit shall be the amount
 29 rounded to the nearest whole dollar computed on the basis of the property tax
 30 and income at the midpoints of each increment. As used in this subsection, the
 31 term "accumulative" means an increase by continuous or repeated application of
 32 the percent to the income increment at each three hundred dollar level.

33 3. Notwithstanding subsection 4 of section 32.057, RSMo, the department
 34 of revenue or any duly authorized employee or agent shall determine whether any
 35 taxpayer filing a report or return with the department of revenue who has not
 36 applied for the credit allowed pursuant to section 135.020 may qualify for the
 37 credit, and shall notify any qualified claimant of the claimant's potential

38 eligibility, where the department determines such potential eligibility exists.

135.305. A Missouri wood energy producer shall be eligible for a tax credit
2 on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to
3 143.261, RSMo, as a production incentive to produce processed wood products in
4 a qualified wood producing facility using Missouri forest product residue. The tax
5 credit to the wood energy producer shall be five dollars per ton of processed
6 material. The credit may be claimed for a period of five years and is to be a tax
7 credit against the tax otherwise due. **No new tax credits, provided for**
8 **under sections 135.300 to 135.311, shall be authorized after June 30,**
9 **2010.**

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known
2 and may be cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with
5 administering a particular tax credit program, as set forth by the program's
6 enacting statute; where no department or agency is set forth, the department of
7 revenue;

8 (2) "Agricultural tax credits", the agricultural product utilization
9 contributor tax credit created pursuant to section 348.430, RSMo, the new
10 generation cooperative incentive tax credit created pursuant to section 348.432,
11 RSMo, and the wine and grape production tax credit created pursuant to section
12 135.700;

13 (3) "All tax credit programs", the tax credit programs included in the
14 definitions of agricultural tax credits, business recruitment tax credits,
15 community development tax credits, domestic and social tax credits,
16 entrepreneurial tax credits, environmental tax credits, housing tax credits,
17 redevelopment tax credits, and training and educational tax credits;

18 (4) "Business recruitment tax credits", the business facility tax credit
19 created pursuant to sections 135.110 to 135.150 and section 135.258, the
20 enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the
21 business use incentives for large-scale development programs created pursuant
22 to sections 100.700 to 100.850, RSMo, the development tax credits created
23 pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax
24 credit created pursuant to section 135.535, and the film production tax credit
25 created pursuant to section 135.750;

26 (5) "Community development tax credits", the neighborhood assistance tax

27 credit created pursuant to sections 32.100 to 32.125, RSMo, the family
28 development account tax credit created pursuant to sections 208.750 to 208.775,
29 RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo,
30 and the transportation development tax credit created pursuant to section
31 135.545;

32 (6) "Domestic and social tax credits", the youth opportunities tax credit
33 created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the
34 shelter for victims of domestic violence created pursuant to section 135.550, the
35 senior citizen or disabled person property tax credit created pursuant to sections
36 135.010 to 135.035, the special needs adoption tax credit created pursuant to
37 sections 135.325 to 135.339, the maternity home tax credit created pursuant to
38 section 135.600, and the shared care tax credit created pursuant to section
39 660.055, RSMo;

40 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant
41 to sections 135.400 to 135.429, the certified capital company tax credit created
42 pursuant to sections 135.500 to 135.529, the seed capital tax credit created
43 pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax
44 credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax
45 credit created pursuant to section 620.1039, RSMo, the small business incubator
46 tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit
47 created pursuant to section 135.766, and the new generation cooperative tax
48 credit created pursuant to sections 32.105 to 32.125, RSMo;

49 (8) "Environmental tax credits", the charcoal producer tax credit created
50 pursuant to section 135.313, the wood energy tax credit created pursuant to
51 sections 135.300 to 135.311[, and the manufacturing and recycling flexible
52 cellulose casing tax credit created pursuant to section 260.285, RSMo];

53 (9) "Housing tax credits", the neighborhood preservation tax credit created
54 pursuant to sections 135.475 to 135.487, the low-income housing tax credit
55 created pursuant to sections 135.350 to 135.363, and the affordable housing tax
56 credit created pursuant to sections 32.105 to 32.125, RSMo;

57 (10) "Recipient", the individual or entity who is the original applicant for
58 and who receives proceeds from a tax credit program directly from the
59 administering agency, the person or entity responsible for the reporting
60 requirements established in section 135.805;

61 (11) "Redevelopment tax credits", the historic preservation tax credit
62 created pursuant to sections 253.545 to 253.561, RSMo, the brownfield

63 redevelopment program tax credit created pursuant to sections 447.700 to
64 447.718, RSMo, the community development corporations tax credit created
65 pursuant to sections 135.400 to 135.430, the infrastructure tax credit created
66 pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit
67 created pursuant to section 100.297, RSMo, and the disabled access tax credit
68 created pursuant to section 135.490;

69 (12) "Training and educational tax credits", the community college new
70 jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo[, the skills
71 development account tax credit created pursuant to sections 620.1400 to
72 620.1460, RSMo, the mature worker tax credit created pursuant to section
73 620.1560, RSMo, and the sponsorship and mentoring tax credit created pursuant
74 to section 135.348].

[135.348. 1. As used in this section, the following terms

2 mean:

3 (1) "Approved program", a sponsorship and mentoring
4 program established pursuant to this section and approved by the
5 department of elementary and secondary education;

6 (2) "Eligible student", a resident pupil of a school district
7 who is determined by the local school board to be eligible to
8 participate in a sponsorship and mentoring program pursuant to
9 this section and who participates in such program for no less than
10 eight calendar months in the tax year for which a return is filed
11 claiming a credit authorized in this section;

12 (3) "Net expenditures", only those amounts paid or incurred
13 for the participation of an eligible student participating in an
14 approved sponsorship and mentoring program less any amounts
15 received by the qualified taxpayer from any source for the provision
16 of a sponsorship and mentoring program for an eligible student;

17 (4) "Qualified taxpayer", an employer who makes
18 expenditures pursuant to this section.

19 2. For taxable years commencing on or after January 1,
20 1998, a qualified taxpayer shall be allowed a credit against the tax
21 imposed by chapter 143, RSMo, exclusive of the provisions relating
22 to the withholding of tax as provided in sections 143.191 to
23 143.265, RSMo, to the extent of the lesser of two thousand dollars
24 times the number of eligible students for which the qualified

25 taxpayer is allowed a credit pursuant to this section or the net
26 expenditures made directly or through a fund during a taxable year
27 by the qualified taxpayer for the participation of an eligible student
28 in an approved sponsorship and mentoring program established
29 pursuant to this section. No credit shall be allowed for any
30 amounts for which any other credit is claimed or allowed under any
31 other provision of state law for the same net expenditures.

32 3. The tax credit allowed by this section shall be claimed by
33 the qualified taxpayer at the time such taxpayer files a return and
34 shall be applied against the income tax liability imposed by chapter
35 143, RSMo, after all other credits provided by law have been
36 applied. Where the amount of the credit exceeds the tax liability,
37 the difference between the credit and the tax liability shall not be
38 refundable but may be carried forward to any of the taxpayer's four
39 subsequent taxable years.

40 4. The department of elementary and secondary education
41 shall establish, by rule, guidelines and criteria for approval of
42 sponsorship and mentoring programs established by school districts
43 and for determining the eligibility of students for participation in
44 sponsorship and mentoring programs established pursuant to this
45 section. Such determinations for eligibility of students shall be
46 based upon a definition of an at-risk student as established by the
47 department by rule.

48 5. A local school board may establish a sponsorship and
49 mentoring program and apply to the department of elementary and
50 secondary education for approval of such program. A tax credit
51 may only be received pursuant to this section for expenditures for
52 sponsorship and mentoring programs approved by the
53 department. The school board of each district which has an
54 approved program shall annually certify to the department of
55 elementary and secondary education the number of eligible
56 students participating in the program. The principal of any school
57 in a district which has an approved program may recommend, to
58 the local school board, those students who do not meet the
59 definition of "at-risk" students established pursuant to this section,
60 and the school board may submit the names of such students and

61 the circumstances which justify the student's participation in an
62 approved program to the department of elementary and secondary
63 education for approval of such student's participation. If approved
64 by the department, such students shall be considered eligible
65 students for participation in an approved program.

66 6. The department of elementary and secondary education
67 shall provide written notification to the department of revenue of
68 each eligible student participating in an approved program
69 pursuant to this section, the student's school district, the name of
70 the qualified taxpayer approved to receive a tax credit on the basis
71 of such eligible student's participation in an approved program
72 pursuant to this section and the amount of such credit as
73 determined in subsection 2 of this section. This section is subject
74 to appropriations.]

[260.285. 1. Any manufacturer engaged in this state in
2 production of a meat or poultry food product intended for human
3 consumption that is recycling flexible cellulose casing
4 manufactured from cotton linters used and consumed directly in
5 the production of such food product shall be eligible for a credit as
6 defined in subsection 2 of this section. For purposes of this section,
7 "cotton linters" means fibers from any plant or wood pulp material
8 used for the creation of flexible cellulose casings.

9 2. The credit authorized in subsection 1 shall be equal to
10 the amount of state sales or use taxes paid by a manufacturer to a
11 retailer on such packaging material which is subsequently recycled
12 by either the manufacturer or other person or entity to which the
13 manufacturer conveys such packaging materials, less any
14 consideration received by the manufacturer for such conveyance.

15 3. A manufacturer shall claim the refund in the month
16 following the month in which the material has been recycled or
17 conveyed for recycling. When claiming a credit pursuant to this
18 section, a manufacturer shall provide a detailed accounting of the
19 amount of packaging material recycled, amount of sales or use tax
20 paid on such material, an affidavit attesting that the manufacturer
21 is eligible pursuant to the provisions of this section for the credit
22 being claimed, documentation that the activity constitutes recycling

23 as certified by the director of the department of natural resources
24 and any other documentation determined necessary by the director
25 of the department of revenue. The director shall refund any valid
26 credit claims within sixty days of receipt. If the director
27 determines that a fraudulent claim for the credit has been filed,
28 the director may assess a penalty in an amount not to exceed twice
29 the amount of fraudulent credits claimed.

30 4. Payment of credits authorized by this section shall not
31 alter the liability of a retailer regarding sales tax on such
32 material. Credits authorized by this section shall be paid from
33 funds appropriated for the refund of taxes.]

✓

Bill

Copy